

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE VELLO,

Plaintiff

v.

Superintendent DELBALSO, et al.,

Defendants

: CIVIL ACTION NO. 3:CV-17-0879

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: (Judge Nealon)

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**FILED  
SCRANTON**

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AMJ  
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**ORDER**

**AND NOW, THIS 9<sup>TH</sup> DAY OF NOVEMBER 2017**, for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion to proceed in forma pauperis, (Doc. 7), is **GRANTED** for the sole purpose of filing the complaint;
2. Plaintiff's complaint, (Doc. 1), is **DISMISSED** without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A;
3. Plaintiff's motion to appoint counsel, (Doc. 9) is **DISMISSED** as moot;
4. The Clerk of Court is directed to **CLOSE** this case; and
5. Any appeal from this order will be deemed frivolous, not taken in good faith, and lacking probable cause.

/s/ William J. Nealon  
**United States District Judge**